

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **EDCV 23-721-KK-SPx**

Date: November 30, 2023

Title: ***Nationwide Mutual Insurance Company v. Pipe Constructors, Inc. et al***Present: The Honorable **KENLY KIYA KATO, UNITED STATES DISTRICT JUDGE**

Noe Ponce

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

Attorney(s) Present for Defendant(s):

None Present

None Present

**Proceedings: (In Chambers) Order to Show Cause Why Action Should Not Be Dismissed
for Failure to Prosecute and Comply with Court Orders**

On May 1, 2023, plaintiff Nationwide Mutual Insurance Company (“Plaintiff”) filed a First Amended Complaint against defendants Pipe Constructors, Inc., William Harris, and Melissa Harris. ECF Docket No. (“Dkt.”) 11. On July 31, 2023, defendants William Harris and Melissa Harris (“Defendants”) filed an Answer. Dkt. 33.

On August 31, 2023, the Court issued an Order referring the parties to the Court Mediation Panel for mediation under the Court-Directed Alternative Dispute Resolution Program, to be completed no later than March 11, 2024. Dkt. 41. In addition, Plaintiff was ordered to file a Joint Report regarding “the progress of settlement discussions” no later than seven days after the ADR proceeding. Id.

On October 5, 2023, the parties stipulated to panel mediation to occur on November 8, 2023. Dkt. 43. Plaintiff was, therefore, required to file the Joint Report no later than November 15, 2023. However, the Court has not received a Joint Report. Plaintiff is therefore in violation of the Court’s August 31, 2023 Order.

Pursuant to Federal Rule of Civil Procedure 41(b), the Court may dismiss this action with prejudice for failure to prosecute or failure to comply with a court order. See FED. R. CIV. P. 41(b). Before dismissing this action, the Court will afford Plaintiff an opportunity to explain the failure to file the Joint Report as directed by the Court’s August 31, 2023 Order.

Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE** in writing why this action should not be dismissed for failure to prosecute and/or comply with court orders. Plaintiff shall have **up to and including December 8, 2023** to respond to this Order. Plaintiff may discharge this Order to Show Cause by filing the required Joint Report **by December 8, 2023**.

Plaintiff is expressly warned that failure to timely file a response to this Order will result in this action being dismissed without prejudice for failure to prosecute and comply with Court orders. See FED. R. CIV. P. 41(b).

IT IS SO ORDERED.